

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.71.080 of the Lincoln Municipal Code
2 relating to fences to provide additional circumstances under which fences may be erected to a height
3 in excess of seventy-six inches; and repealing Section 27.71.080 of the Lincoln Municipal Code as
4 hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 27.71.080 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **27.71.080 Fences.**

9 (a) Permitted Locations and Heights. Notwithstanding the area regulations of this title
10 with respect to the requirements for open space for front yard, side yard, and rear yard, fences may
11 be erected to a height not to exceed seventy-six inches on any part of a lot or premises, ~~provided,~~
12 ~~that~~ In addition, fences may be erected to a height not to exceed ~~ninety-six~~ one hundred two inches
13 ~~in the required front yard abutting a major street if the following conditions are met:~~ on any part of
14 a lot or premises under one of the following conditions:

15 (1) The fence is located in the required front yard abutting a major street, and

16 (a i) The lot or premises has double street frontage and abuts a major street;

17 (b ii) Vehicular access to the lot or premises is not from the major street;

18 and

19 (c iii) The fence shall be parallel to the major street.

20 (2) The fence is located within any commercial or industrial district;

- (3) The fence is located on a common lot line between a residentially zoned district and a commercially or industrially zoned district; or
- (4) The fence is located in the rear or side yard of a residentially zoned district; or
- (5) The fence is located within the front yard area connecting to a fence located in the required front yard abutting a major street pursuant to section (1) above;
- provided that no fence over seventy-six inches shall be located within four feet from any main structure.
- (b) Prohibited Locations. ~~However, n~~No fence shall be erected within:
- (1) ~~t~~The triangular area required for sight distance of vehicles entering or exiting the property or entering an adjacent intersection, in conformance with the design standards of the city and the “guidelines and regulations for driveway design and approach.”
- (2) Ten feet from the opening side of all padmounted transformers (the side with decals on the lid), three feet from the opening side of the power pedestals (the side with the padlock), or twelve inches from the other three sides of the transformers or power pedestals.
- (c) Measurement. The height of a fence shall be determined by a measurement from the ground beneath the fence. Swales and other earth depressions up to six feet wide shall not be used when measuring the fence's height. Man-made earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence. Notwithstanding the above, if a lot or premises is

1 lower than an adjacent major street, as defined in Section 26.07.190 of the Land Subdivision
2 Ordinance, then the height of the fence shall be determined by a measurement from the street grade
3 at a ninety degree angle from the fence; provided, however, the total vertical measurement from the
4 ground beneath the fence to the top of the fence shall not exceed twelve feet.

5 (d) Exclusions. The height limitation herein provided for fences permitted on any part
6 of a lot or premises, notwithstanding the area regulation of this title with the requirements for open
7 space from front yard, side yard, and rear yard, shall not apply to fences required by the city for uses
8 permitted by the city. It is not intended that any structure other than a fence is permitted on any part
9 of a lot or premises by this section, and all other structures must comply with area and use
10 regulations of this title.

11 Section 2. That Section 27.71.080 of the Lincoln Municipal Code as hitherto existing
12 be and the same is hereby repealed.

13 Section 3. That this ordinance shall take effect and be in force from and after its
14 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor